

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 1:18-CR-457 AJT
)	
BIJAN RAFIEKIAN,)	
)	
Defendant.)	

**NON-PARTY COVINGTON & BURLING LLP'S
RESPONSE TO GOVERNMENT'S MOTION TO COMPEL AND FIG'S OPPOSITION**

Non-Party Covington & Burling LLP ("Covington") respectfully submits this response to the Government's Motion to Compel, Dkt. No. 312, and to FIG's Opposition, Dkt. No. 315.

Covington, which takes no position on the Motion itself, provides the following information to the Court that may not be apparent from those filings:

1. The Court's July 9, 2019 Order, Dkt. No. 292, indicated that only the communications and documents Covington received or prepared for purposes of the March 7, 2017, FARA filing are not privileged. *Id.* at 3-4. That is, other communications and documents, including those made after the FARA filing, are still privileged. *Id.*
2. Covington has not previously segregated for production FARA-related documents written after the FARA filing or those that are subject to a joint defense or common interest privilege. Per the Court's April 9, 2019 Order, Dkt. No. 101, Covington's production of documents from its FIG file to Defendant Rafiekian in response to his subpoena included documents pertaining to the FARA filing written before and after the FARA filing, including materials subject to joint

defense / common interest agreements. *See id.* Covington has transferred to former client FIG a much broader set of documents.

3. Covington's FIG file contains few joint defense or common interest communications before the FARA filing. (We note that there was no joint defense or common interest agreement with Defendant Rafiekian's counsel or with Ekim Alptekin's counsel before the FARA filing.) There is a much larger number of joint defense / common interest documents dated after the FARA filing.
4. If requested by former client FIG, or ordered by the Court, Covington could promptly segregate emails and other searchable electronic FARA-related documents written before the FARA filing. However, segregating handwritten notes pertaining to the FARA filing based on date, or based on joint defense / common interest, may take several days.
5. Covington therefore respectfully requests that, if the Court enters an Order, the Order be narrowly tailored and allow Covington sufficient time to provide any documents that the Court may order Covington to produce.

July 15, 2019

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I, Daniel E. Johnson, hereby certify that on the 15th Day of July 2019, I electronically filed the foregoing using the CM/ECF system, which will send a notification of such filing to counsel of record.

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